

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-7697 of 2017

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Date of decision:15.5.2017

Mohit alias Ishu

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rajbir Singh, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr. Satbir Rathore, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this second petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.110 dated 7.8.2014 registered for the offences under Sections 148, 149, 323, 307, 302, 212 and 120-B IPC and Section 25 of the Arms Act at Police Station Barara, District Ambala.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. Satbir Rathore, learned Advocate has appeared for the complainant and contested this petition.

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I have heard learned counsel for the parties and learned State counsel and have gone through the record.

From the record, I find that the present petitioner is not named in the FIR, but as per the statement of the injured recorded under Section 161 Cr.P.C. it was stated that Mohit alias Ishu fired on the head of Mushtaq, but when the witness appeared in the Court, he has stated that Ishu fired on the stomach of Mushtaq (deceased).

Keeping in view the serious allegations against the present petitioner and that he was armed with fire arm weapon and fired on the deceased shows that he has taken active participation in the commission of the offence.

Keeping in view the nature and gravity of the offences and the active role played by the petitioner in the commission of the offence, I do not find it a fit case where the present petitioner is entitled to the benefit of regular bail.

Therefore, finding no merit in this petition, the same is dismissed.

May 15, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No